

PLANNING BOARD
REGULAR JUNE MEETING
MONDAY, JUNE 10TH, 2024
7:00 pm—TOWN HALL—1529 NYS RTE 12
BINGHAMTON, NY 13901

Present: Brian Donnelly, Chairperson
Thomas Eldridge, Vice Chairperson
Jamie Szenher, Board Member
Maura Cooley, Board Member
Micheal Boland, Alternate Board Member

Also Present: Alex Urda, Town Engineer
Gavin Stiles, Code Officer
Nathan VanWhy, Attorney

Brian Donnelly: Being that it's after 7:00 I'll call the June Planning Board meeting to order. First on the business is the approval of the minutes for the May 13th Planning Board meeting. Is there any discussion? No.

Jamie Szenher: I'll make a motion to accept the minutes.

Thomas Eldridge: Second.

Adam Donahue: Mr. Boland, Alternate Board Member Voted: Aye
Ms. Cooley, Board Member Voted: Aye
Mr. Szenher, Board Member Voted: Aye
Mr. Eldridge, Vice Chairperson Voted: Aye
Mr. Donnelly, Chairperson Voted: Aye

The motion was thereupon declared adopted by a roll call of:
Ayes—5 Nays—0

Brian Donnelly: Can you do a roll call?

Adam Donahue: Mr. Boland; present, Ms. Cooley; present, Mr. Szenher; present, Mr. Eldridge; present, Mr. Donnelly; present.

Brian Donnelly: Old business, we have FGR Realty LLC on 1322 Upper Front St, application for a site plan approval to open a 7 Brew restaurant with a drive through. Mr. Urda?

Alex Urda: The application is for a revised site plan review to open a 7 Brew Restaurant with Drive-Thru. The site plan application package included: Planning Board Application, Engineering Letter, Trip Generation Estimate, Site Plan Set, Site Plan Set (updated), Architectural Plans (Full Set Updated), ComCheck – Envelope, ComCheck – MEP, Short EAF, Site Photometric Plan (Vestal), A Site Photometric Plan (Vestal) – Final.

1. The applicant held a premeeting with the Code Office and me and has been in communication with us throughout plan development.

2. Parking Stalls:

- a. Parking count on the site plan is in compliance with code §73-20 G.(2) e. relative to retail or service use (530 SF building x 1/150SF = 4 required; 6 provided)
 - b. The Town Code is 8.5x18 for standard 90 degree parking stall dimensions.
 - i. Please increase your ADA parking stalls to the 8.5 feet minimum.
 - ii. You might consider reducing your other stall dimensions per code.
 - a. ADA Compliance: The applicant shall assure that they, or the owner, provide and maintain exterior ADA accessible parking spaces, aisles, access routes, markings, slopes, and signage in accordance with ICC/ANSI, A117.1, 2009 (or latest revision) and the current Building Code of the State of New York, Chapter 11 (or latest revision). Stall sizing shall be no less than 8.5ftx18ft (per Town). One (1) stall is required per this plan and is provided. Ok.
3. Site Access:
- a. Site access to be one inlet lane off of Quinn Road, with the dominant access via cross access agreements through the "Lowe's" parcels. The applicant has discussed with me that this has been done for improved safety along Upper Front Street and Quinn Road. Existing Curb cuts on Upper Front street are removed, and Quinn Road reduced to a single lane.
 - b. They have provide for bypass lane for departure within the drive up lanes in the event of an emergency or change of patron decision.
4. Site Lighting: Photometrics acceptable.
5. Flood Plains: The site is outside the 500-year floodplain. We discussed the building to assure no basement or lower levels that would be below the 100-year or 500-year floodplain regardless. There are none and the site is 100% out of the flood zones.
6. Signage.
- a. Coordinate signage with the Code Office for any necessary permits and/or variance requests.
 - a. Provide a signage plan with all proposed site and building signage to the Code Office
 - b. Signs shall be designed and located with appropriate setbacks per the Town Code, unless variances are requested. Ex: Ground signs 15 feet from any R.O.W. per § 73-15B(2)(b)[2]. Relocated on updated plan. Provide setback dimensions on site plan.
 - c. Provide sign base details within the site plan package.
7. Sanitary Sewer:
- a. Confirm your slope on C120.
 - b. Coordinate sewer connection with Sewer Department and Highway Department prior to construction.
 - c. Provide the product cut sheet for the grease interceptor and anticipated maintenance schedule/contract to the code office prior to construction.
8. Water Service
- a. Coordinate with the Water Department for water meter sizing, backflow prevention requirements, etc. for water connection.
9. Electric and Gas to be connected to existing NYSEG lines on Upper Front Street.
10. Dumpster
- a. No engineering concerns. Board?
 - b. Correct the C100 reference to 10 - C200 detail. Should be sheet C200.
11. Landscaping: Board Review. Landscaping is minimal, but an improvement on what is

there now.

12. The project is within a §73-56 Aquifer Recharge Area and is in compliance with the code and shall continue to do so.

13. Please assure that the cross access agreements with 'Lowes' have been provided to the Town Code Office.

14. Provide the Code Office with final stamped/sealed site plans.

15. Broome County 239 review was required and received.

a. NYSDOT requires curb cut removal on Front Street. Plans comply.

b. Submit drainage study?

i. Please coordinate this with NYSDOT. We will require a statement from them that you have completed addressing their concerns.

ii. Although a SWPPP/SPDES permit are not required, the applicant has reviewed the application with Derin K., TOC Highway Department, and has added drywells and a connector pipe adjacent to Quinn Road to reduce runoff to the system on Quinn Road.

c. Sidewalk along NYSDOT frontage to conform to ADA/NYSDOT design standards.

d. Required pedestrian connection between proposed building and the sidewalk. NYSDOT waiver on this should be documented and a copy provided to the Town. The use does not have any indoor seating, and no walk up service. There should be no foot traffic and the applicant has indicated they do not want a pedestrian connection.

e. Conform to Complete Streets....applicant?

f. Nothing may be placed within the State ROW.

g. Apply for NYSDOT Highway work permit for work within the State ROW.

h. Broome County General reminder to adhere to MS4 guidelines to minimize impacts to stormwater and include E&SC measures.

16. SEQR: Conduct SEQR review at meeting.

We have no engineering site objections to the project.

Brian Donnelly: Mr. Stiles, do you have any comments?

Gavin Stiles: I'm going to follow Alex's lead. It seems like all their ducks are in a row, we'll get the proper permitting and let the boat float.

Brian Donnelly: The applicants are here. Do you have any comments you'd like to add at this point?

Keith Barney: I'm Keith Barney with Keystone Associates, I'm here with Jeff Coghlan from 7 Brew. We did obtain our variances from the Zoning Board for a triple area variance for lot size, lot width, and lot depth about a week and a half ago. We will agree to combine these parcels. There's two separate parcels, CD and PDD-C. The zoning change won't happen but the combining of the properties will. As far as DOT is concerned, most of their issues will be addressed under the Highway Work Permit as Alex stated. We do not have a walk-up business, totally drive-through. The only place that we could put an ADA access would be up in this area here where it's that grade difference of about three feet as you approach Quinn Road and again this is our three lanes of exiting. The last thing I want to do is have pedestrians walking across there with three lanes of cars going across it. I think it's unsafe conditions to require that and we'll work that out with DOT. Again, we will get a Highway Work Permit for any utility work out there and also closing off the one-way entrance that's currently there, taking down the sign and adding the curb. There is no drainage changes. We're not adding

anything to, we're not taking anything away so I feel that that is unnecessary but we'll work that out with DOT and if we have to provide one we will. Other than that, we've made minor changes. Alex hit on most of those, mostly it was just 239, the county, or Alex's comments. We've addressed all those on the newest plans that were submitted. I guess we'll leave it open for questions.

Brian Donnelly:

Does anybody have any questions?

Jamie Szenher:

Is there going to be music being played loud?

Jeff Coghlan:

Yes, we do play music. We will comply with, your standards now are 57 decibels at night and 65 I believe during the day. We will comply with those. What we find in Vestal is that the "loud" as you describe is in the drive lane. It's part of the experience, having the music but that's in the lanes. When you go out to the curb line it's barely detectable as far as the decibel meter because you turn towards the street or turn back or even you turn the music off and the ambient noise is already, it doesn't change when we turn the music back on. We haven't done a lot of that up here as far as walking around and checking it but I suspect it will be similar. It might be a little louder, the ambient noise might be a little louder on Vestal Parkway but there's a fair amount of ambient noise here. When I did it quickly it was pretty close. 57 is fairly low and 65 isn't that high but we'll be good on the property line but as you're coming through as a customer you're going to hear music for sure. That's part of it.

Keith Barney:

The code does say 65 decibels between 7 am and 11 pm. Do you operate after 11?

Jeff Coghlan:

We close at 11 on Friday and Saturday, 10 the rest of the week.

Keith Barney:

So nighttime hours we're not even up and running between 11 pm and 7 am which is 57 decibels.

Jamie Szenher:

Ok, we're good. That's all I got.

Brian Donnelly:

Now we can do the SEQR?

Nadine Bell:

Ok, bear with me folks. This is my first time with the Planning Board so the process and procedure is a little unknown. Let's go through the short EAF part two. For each answer your choice is 'no or small impact may occur' or 'moderate to large impact may occur' so number one-- Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Board:

No.

Nadine Bell:

Number 2—Will the proposed action result in a change in the use or intensity of use of land?

Board:

No.

Nadine Bell:

Number 3—Will the proposed action impair the character or quality of the existing community?

Board:

No.

Nadine Bell:

Number 4—Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Board:

No.

Nadine Bell: Number 5 – Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway?

Board: No.

Nadine Bell: Number 6 – Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Board: No.

Nadine Bell: Number 7 – Will the proposed action impact existing:

- a. public/private water supplies?
- b. public/private wastewater treatment utilities?

Board: No to both.

Nadine Bell: Number 8 – Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?

Board: No.

Nadine Bell: Number 9 – Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora, and fauna)?

Board: No.

Nadine Bell: Number 10 – Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?

Board: No.

Nadine Bell: Number 11 – Will the proposed action create a hazard to environmental resources or human health?

Board: No.

Nadine Bell: Based upon that information, do you have the original short EAF part two? We will have that and we will have you sign that afterwards acknowledging that based on the information and any supporting documentation there has not been any significant adverse impacts. What I would normally do is have the board at this time consider passing a resolution, and you tell me if this is your normal process, declaring yourself as lead agency on an uncoordinated review for an unlisted action for the site plan for FGR Realty LLC, 1322 Upper Front Street, tax map number 111.12-5-12.1. Having reviewed the short EAF part two and found that there is no significant adverse environmental impacts to be realized. That would be the motion, I'd need a motion and a second.

Thomas Eldridge: I'll make a motion that we are the lead agency, Planning Board PB-04 for FGR Realty.

Maura Cooley: I'll second the motion.

Adam Donahue: Mr. Boland, Alternate Board Member Voted: Aye
 Ms. Cooley, Board Member Voted: Aye
 Mr. Szenher, Board Member Voted: Aye
 Mr. Eldridge, Vice Chairperson Voted: Aye

Mr. Donnelly, Chairperson

Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes—5 Nays—0

Nadine Bell: So that’s SEQR completed. Now you’re in a position to, would you normally discuss site plan at this time or would you consider a motion at this time?

Brian Donnelly: I think we pretty much discussed the issue and site plan approval. I’d be comfortable hearing a motion.

Thomas Eldridge: The only contingency I would put on there is that they do have the combine the parcels.

Nadine Bell: It sounds to me like based upon my discussion is that the resolution will be for the approval of the site plan for the Brew Family Development LLC, 1322 and 1326 Upper Front Street prepared by Keystone Associates, package dated May 2nd, 2024 with the conditions identified by your town engineer Alex Urda in correspondence dated June 10th, 2024 with the further condition that upon a re-subdivision of the parcels that a recombining be filed with the clerk’s office with a copy provided to the code office.

Maura Cooley: I’ll make the motion.

Michael Boland: I’ll second.

Adam Donahue:	Mr. Boland, Alternate Board Member	Voted: Aye
	Ms. Cooley, Board Member	Voted: Aye
	Mr. Szenher, Board Member	Voted: Aye
	Mr. Eldridge, Vice Chairperson	Voted: Aye
	Mr. Donnelly, Chairperson	Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes—5 Nays—0

Brian Donnelly: It’s been approved. Talk to Gavin about whatever else you need. We are going to take things a little out of order. We’re going to do new business but we’re going to do Amos Stolfus of 1449 Upper Front Street, application for a site plan review for commercial reoccupancy to move Pine Creek Structures’ sales lot to a Commercial Development/Residential zone with a short EAF. Mr. Urda?

Alex Urda: This is a review for the referenced application for a site plan review for Lewis Hayes LLC to move Pine Creeks Structures’ sales lot to a Commercial Development/Residential Zone. The application package included: Planning Board Application w/ permissions, Applicant’s Letter, Site Plan, Short EAF.

1. Please note that the application refers to 1447 – 1449 Upper Front Street. It is specifically for 1447 and 1449 (does not include 1448 across the street).
2. Use shall only be in the Commercial District zone, none in the Residential zone.
3. The Board will need to review the parking total amount as this site does not have a proposed ‘building’ for calculating out required parking amount.
4. ADA Compliance: The applicant shall assure that they, or the owner, provide and maintain exterior ADA accessible parking spaces, aisles, access routes, markings, slopes, and signage in accordance with ICC/ANSI, A117.1, 2009 (or latest revision) and the current

Building Code of the State of New York, Chapter 11 (or latest revision). Stall sizing shall be no less than 8.5ftx18ft (per Town). One (1) stall is required per this plan and is provided. Ok

5. Traffic patterns: Please add the designated traffic access aisles (ingress/egress and to parking) to the site plan to assure they are not impacted by sales display items.

6. Site Lighting? Any change?

7. No dumpster correct?

8. Coordinate with the Town Code Office for a building permit and any applicable building codes for installation of the office and the permanent use of a portable restroom facility.

9. The project parcel is within an Aquifer Protection Zone 1 "Wellhead protection Zone." The site currently complies with the associated Town Code §73-55, Attachment XII, "Schedule of Regulations – Wellhead Protection Zone" and shall continue to do so.

10. The site disturbance is <1.0 acre and does not require a SWPPP or SPDES permit.

11. What is planned for signage?

- a. Please add the sign setback dimensions to the site plan and resubmit.
- b. Submit a sign permit application, including all signs and size, to the code office.
- c. Is the sign proposed a ground sign or pylon?

12. SEQR Short EAF – Defer to legal counsel

13. Project is subject to 239 review within 500 feet of state/county road. Comments were received and applicant shall adhere to all comments. NYSDOT comments (work in ROW requires permit (repaving drives, etc.), Nothing shall be placed in the ROW, if any added impervious NYSDOT wants a drainage study).

We have no engineering objections.

Brian Donnelly:

Mr. Stiles, do you have comments?

Gavin Stiles:

I'm going to track with Mr. Urda. I have no objections to it, it's an allowable use. If they're going to do anything with the existing building, demo something or whatever they have to come in for a demo permit. If they want to put up a sign they need to apply for a sign permit but just to use it the way they intend to use it, I have no objections to that.

Brian Donnelly:

The applicant's here?

Alex Urda:

The garage is getting knocked down, maybe not the other building? Is that my understanding?

Cole Boyer:

Yes and no. My name is Cole Boyer, I work for Pine Creek Structures. This is currently the plan that is in front of you. I'll go through it quickly. Our intention in all honesty is to knock down a lot of the buildings. The original plan showed the garage that sits here by the asphalt as you can all see the roof really has a nice bow to it. We'd like to possibly keep the garage but we're not 100% sure because we feel that when we start knocking that one garage down the other one might go with it. Right now we have that labeled as being removed and what we did with the original plan was to take out that walk area and that green shed. All the asphalt and the stone area that's there now is going to remain. We're going to use it as it is. It's mostly pea gravel. As we all know it's covered with grass. The idea is just to mow that grass down and then dress it up maybe with some other stone. We're not going to increase or decrease the amount of impervious that's there now. The two entrances on site, we're going to use them as they are. We're going to leave one entrance in and one entrance out so that we don't have to get into permits. We do show a sign here, not sure exactly yet whether we want it to be ground, pylon, or a sign at all. The existing sign right now has our sign posted on to one of the buildings. It works kind of nice but we figured since we are moving

Bob, the sales manager from his location to this one we were going to look at it and see if it fits what we want to do. After we submitted this plan I got a chance to really look at the buildings and everything. I've already talked with Mr. Stiles about a couple things. There's a couple changes that we'd like to make when we come back for the next one. As you can see still losing these two buildings here, these two up at the top are going to stay but actually we're really starting to look at that existing building in there, a large chunk of that existing building is going to go. The mortar's falling out of the joints, it's just not going to be usable anymore. The existing building that is our sales office there now, we've talked with Mr. Stiles about it and it's possible that we can just since it is a portable building, pick it up and move it to the site here. It's 14x30 or approximately 400 square feet. This back part here, we're still looking at using it. We may be putting, depending on where the existing bathrooms are in that building, if they are in that section then reuse them. If not we may extend across the way and actually put some bathrooms on the site.

Michael Boland: It's a little bit of a work in progress.

Cole Boyer: Yes, we wanted to be able to put a plan in front of you tonight to at least start the discussion and get your thoughts and opinions and when we come back have everything wrapped up in something a little more definite.

Thomas Eldridge: What are they zoned?

Alex Urda: Below the blue line is CD, above the blue line is Res.

Thomas Eldridge: So he's not building a building on it but it's two separate parcels. Would they be combined?

Cole Boyer: We are actually looking into that now.

Jamie Szenher: You are purchasing the property?

Cole Boyer: We are.

Brian Donnelly: What are you doing with the part that's residential?

Cole Boyer: Right now, nothing. Knowing it's residential we really can't use it but we've been reviewing the ordinance with Mr. Stiles and there's a possibility we could do something with it in the future, we would just have to come back to you to get a special permit at that point. We want to just get the site up and running, move our lot from the site it is now to here because we lease that property and I don't remember exactly when the lease comes due so it's kind of one of those ok, this one's pretty close to finishing up, get it all cleaned up, get it workable and once we go down there and get the site to where we need it, then look at what we want to do with that back part. There's a lot of hills, there's a couple tier areas but for what we really want it for, it's not optimal to put sheds and stuff back there so it's at the point where we look at it and kind of scratch our heads wondering what can we use it for?

Michael Boland: You can't hurt the neighborhood there by cleaning it up. That's a positive. Everything there is blacktop and stone. I don't see any issues with it in any way, shape, or form. Clean it up and put sheds on it.

Jamie Szenher: That's nasty, that garage is not staying is it? The big brown one?

Cole Boyer: No that's gone. That's the one that I said the roof has this really nice dip into it. I swung by there again and stood back in that parking lot looking at that. The white one next to it, again

if we could keep it we'd like to but my fear is when we a contractor in there to take that down it's going to end up so I have it listed as to be demolished but if I can keep it...

- Alex Urda: The shed as an office did not go through any review, right?
- Gavin Stiles: We're just kind of spitballing.
- Thomas Eldridge: You're just looking for a site plan for reoccupancy right now. All that stuff would be further, like moving that there.
- Cole Boyer: Right, the moving of the shed, we would have to get the building permit for, the knocking of the buildings down, we'd have to get the permits for.
- Alex Urda: Moving the office to where they have shown there is not anything that would need to submit a 239 or through us.
- Gavin Stiles: You have electricity, it's all overhead?
- Cole Boyer: It's all overhead.
- Alex Urda: They can come back later for that, for an update for that. It would stall them a month but that's the only piece that's outside of our current review is if they bring the office shed over and actually land it as an office again.
- Cole Boyer: If we're stalled a month we're okay with it. We're still early enough in the phases of everything that, like I said we just wanted to get this in today to get your thoughts and opinions and to see if anybody had any heartburn about it so that we can address it and move forward.
- Thomas Eldridge: I think to stall a month would be in your best interest because you'd have to come back through to do it all over again.
- Cole Boyer: That's my point.
- Alex Urda: I don't have any objections to the building just knowing what they've already done. I reviewed that one in 2013 and it's just moving to there, I know what it is.
- Cole Boyer: It's kind of one of those, like I said, just wanted to get this ball rolling.
- Gavin Stiles: At the end of the day it's a shed with a chair and a laptop in it. It doesn't bother me.
- Nadine Bell: The question you're raising is whether or not the addition of the shed would trigger another 239 referral?
- Alex Urda: That piece was not on the plans.
- Brian Donnelly: So you need another 239 to put that on the site?
- Thomas Eldridge: It's a temporary structure.
- Nadine Bell: I don't have a copy of what Broome County came back with, the nature of their comments. Did their comments address any future office use? The reason I say this is the 239 in my experience referral back when there are significant changes to the plans. You're only doing 239 review for an intercommunity, countywide impact. If they've already looked at this site and it's for a particular use. If it's a temporary shed they're adding to a site that's already having sheds and it's just that the one shed is going to be used as an office and the other

ones are going to be empty, in my experience County Planning will say well do you think that the change is significant enough to warrant return for review? It's not going to have any running water, it'll have a porta john next to it.

Michael Boland: It's not going to be any different than what's across the street already.

Alex Urda: The same building is going to end up there, it's just a matter of is there an office in it or not?

Cole Boyer: What he's using now as his office, we're just going to pick it up, put it on a trailer, truck it 100 yards down the road, pick it up and set it back down. There's no running water in the building now. The only building that might theoretically have running water is that section right there that would already have running water, already has sewer to it. We're not bringing in any additional water, we're not adding any sewer line. The idea would be just to use all the lines as they stand today and if we need to extend them where we need to on the site.

Brian Donnelly: Any running water is going to be in an existing building that's on the lot already.

Thomas Eldridge: What did you have to do when you got the permit to have the shed office the first time? Did they have to get a 239 review?

Alex Urda: They did and the biggest discussions were outdoor sales and outdoor storage, a gateway, the looks of things. NYSDOT comments like before are just mostly don't set anything on the sidewalk. They don't want their chairs on the sidewalk, they don't want anything in the right-of-way. That kind of stuff always creeps up a little bit when it's sunny out.

Nadine Bell: The use has already been contemplated. It's just whether or not there is a shed office, correct?

Alex Urda: Correct.

Nadine Bell: So they've already contemplated those items that Alex has identified?

Alex Urda: If that thing came in and wasn't an office, it's already in the package.

Brian Donnelly: So they've seen this drawing.

Cole Boyer: Yes, they've seen this drawing which has the same use to it. The only real difference between this one we submitted and the other one is this one we're knocking more building down and I show that what was now the sales building has been moved over.

Alex Urda: This round we didn't ask for a layout. What I would ask to see is just where the traffic route was to the parking stalls so it stays the traffic route, just so I have a little control over that if something goes wrong.

Cole Boyer: In which we don't have an issue with laying that all out on here and providing it.

Thomas Eldridge: Why don't you do that? Throw this plan away, bring us the plan of what you're actually going to do with everything on it next month and we'll worry about your site plan then because it sounds like there's three different plans and you might as well just have two.

Nadine Bell: Do you want to complete SEQR tonight?

Brian Donnelly: Why don't we do all of that and get that done and then all we need to do it get the 239 in and the drawings.

Nadine Bell: Sounds good. Let's take a look at SEQR part two. Similar to last time, choices for answers are 'no or small impact may occur' or 'moderate to large impact may occur'. Number one-- Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Board: No.

Nadine Bell: Number 2—Will the proposed action result in a change in the use or intensity of use of land?

Board: No.

Nadine Bell: Number 3—Will the proposed action impair the character or quality of the existing community?

Board: No.

Nadine Bell: Number 4—Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? Does not apply. Number 5 – Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway?

Board: No.

Nadine Bell: Number 6 – Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Board: No.

Nadine Bell: Number 7 – Will the proposed action impact existing:

- a. public/private water supplies?
- b. public/private wastewater treatment utilities?

Board: No to both.

Nadine Bell: Number 8 – Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?

Board: No.

Nadine Bell: Number 9 – Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora, and fauna)?

Board: No.

Nadine Bell: Number 10 – Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?

Board: No.

Nadine Bell: Number 11 – Will the proposed action create a hazard to environmental resources or human health?

Board: No.

Nadine Bell: Based upon your review of the short EAF part two do we have a motion for 2024-PB07, Amos Stolfus, 1449 Upper Front St for a site plan application that the board declares itself lead agency to proceed on an uncoordinated review for an unlisted action does hereby render a negative declaration having determined that there are no adverse impacts?

Jamie Szenher: I'll make that motion, what she said.

Thomas Eldridge: Second.

Adam Donahue: Mr. Boland, Alternate Board Member Voted: Aye
Ms. Cooley, Board Member Voted: Aye
Mr. Szenher, Board Member Voted: Aye
Mr. Eldridge, Vice Chairperson Voted: Aye
Mr. Donnelly, Chairperson Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes—5 Nays—0

Brian Donnelly: Now it's up to you to get us some new drawings so we can get them submitted to the county to get their comments and then we will see you next month.

Cole Boyer: I appreciate your time, have a good night.

Brian Donnelly: Next item on the agenda is Spyros Dimatos, 1212 River Rd, application for a site plan review for a solar farm. Mr. Urda?

Alex Urda: This is a review for the referenced applications for site plan and special permit for a solar farm in an Agricultural Zone. I have combined my review. SITE PLAN APPLICATION-The application package included Planning Board Application. SPECIAL PERMIT APPLICATION-The application package included: Planning Board Special Permit Application w/ Permissions, Stormwater Pollution Protection Plan (SWPPP), Full EAF (unsigned), FEMA Firm (Preliminary 2/5/2010), Decommissioning Plan, Site Plans (C-200, C-201, C-300, C-500, C-501, C-700, & C-701), NYSDEC Floodplain Management Guidelines for Solar Array and Wind Farm Projects (DRAFT), Applicant Letter (Young / Sommer LLC), Viewing Location renderings. DOCUMENTS SUBMITTED FOR BOTH Via 5/6/24 Thumb Drive: Applicant Letter. Letter Exhibits:

- A. Project Information Summary
- B. Project Overview (Includes Operation and Maintenance Plan)
- C. About New Energy Equity
- D. Solar Subscription FAQ / About Community Solar
- E. Scope of Service Reqs.
- F. Preliminary Stamped Site Plan Set
 - a. Existing conditions / layout sketch / engineering plans / equipment spec sheets / vegetation, planting, and screening plan (see cover sheet for page index)
 - b. Decommissioning Plan with description of financial surety
 - c. Three Line Diagram (3LD)
- G. Equipment specification sheets & MSDS (supporting documents)
- H. Stormwater Pollution Prevention Plan (SWPPP)
- I. Preliminary Boundary Survey
- J. Engineering Feasibility Study CESIR (Includes utility notification and electric

service order number)

K. Visual Simulations from select viewpoints

L. SEQR

- a. F-EAF Part 1
- b. Environmental diligence report
- c. Agricultural Data Statement
- d. Wetland Delineation Report

M. Mapping and Topography

- a. Parcel Map
- b. Parcel Description
- c. Soil Maps
- d. Topographic Map – Elevation
- e. Topographic Map – Slope
- f. SHPO CRIS Map
- g. FEMA Floodplain Map

N. FAA No Impact Letter

O. Site Control (Lease)

P. Adjacent Landowners List

Q. Emergency Response Plan

R. Permit Applications

- a. Planning Board Special Permit Application
- b. Flood Development Application
- c. Draft NYSUN Approval Form

S. Environmental Supporting Documentation

- a. DEC solar stormwater and SWPPP guidance
- b. DEC floodplain management guidelines
- c. NYS Ag and Markets solar project guidelines
- d. NYS Ag and Markets pollinator habitat guidelines
- e. NYS Ag and Markets pollinator Checklist
- f. USDA conservation practice standards

We offer the following initial comments:

1. Please note that the application property location references 1212 River Road, but the site access includes 1206 River Road and 1198 River Road to go along with the 3 tax parcels in the application.
2. Solar Energy Facilities are allowed as principal or accessory uses within this zoning district §73-44 pending application and approval in conformance with Chapter 67 of the Town Code.
3. Correct references to Town of Poland in the Information Summary.
4. What are the references to 'Solar Garden', 'Community Solar Garden (CSG)', and the 'State's CSG program'?
5. Provide confirmation on the site plan (truck turns) that fire apparatus can access the site via the access road.
6. An 8 foot fence was provided per code.
7. Add the Knox Box location to the plans.
8. When will the Tier 1 and Tier 2 Diligence items be completed within the site plan approval process? (Archaeo, Historic, species, wetlands, ALTA survey, etc...)
9. Wetlands: Exhibit B indicates a desktop wetland review was conducted. The

SWPPP indicates there are wetlands on site that are 'likely ACOE jurisdictional wetlands.' When will you be conducting the field work on these and obtaining the jurisdictional determination? Exhibit L.d would indicate the wetlands were studied, but are they and are they called out on the plans by 'name'?

10. Stormwater Pollution Prevention Plan review is ongoing. Preliminary review was completed.

- a. The 5- Acre waiver can be discussed with a detailed phasing plan.
- b. See #8 above. When will timing of additional studies be completed (Phase 1 Archaeological timing, rare species, wetlands,...)?
- c. Verify if any of the if any 'prime farmland and/or farmland of statewide importance' exists (§67-7.1.A).
- d. What is your timing for a Final SWPPP? This version has not completed the WQv or RRv computations.

11. Floodplain:

- a. Please note that the worse value of the two floodplain maps (Existing Effective FIRM or 2010 Preliminary FIRM) must be utilized. Please provide an overlay of each map with your Flood Plain Development Permit application. Site plans indicate the 2010 plan.
- b. Establish the 100 year BFE and the minimum development elevation (BFE +2) on the project plans and in the Flood Plain Development Permit application.
- c. How are the site fencing and post systems designed to minimize catchment of flood debris?

12. Decommissioning Plan:

- a. Section 13 Decommissioning Plan Overview: correct the reference to the "County" being the 'designated beneficiary' to the "Town of Chenango".
- b. What value has to be added to the applicant's decommissioning plan to cover the likely stormwater permit and permit weekly inspections during disturbance.

13. Exhibit K: Please label each rendering so we know what they each location is

14. Exhibit M refers to 7 maps but only 4 are provided.

15. Agricultural Data Statement: Please confirm you have checked surrounding properties within 500 feet for containing/not containing active farm operations.

16. Project is subject to 239 review within 500 feet of state/county road and NYS Agricultural District. Refer to 239 comments to consider

- a. BC Health recommends manual vegetation control with proper plant species plantings to avoid pesticide use adjacent to the neighboring residential potable water wells.
- b. County DPW Engineer (I've abbreviated these, refer to the original comments
 - i. Adhere to MS4 and NSYDEC criteria for stormwater permits and E&SC.
 - ii. Correct refence regarding entity responsible for decommissioning fund.
 - iii. Correct references to Town of Poland and errant County reference.
 - iv. Driveway access on CR 96 to be upgraded per NYSDOT and BC

standards and address any guiderail issues, trees, etc. for access with BC permit.

v. . Add Knox box detail and location on plans.

c. Refer to entirety of Beth Lucas letter 6/5/24.

17. The project parcel is within an Aquifer Protection Zone II “Aquifer Recharge Area.” The site currently complies with the associated Town Code §73-56, Attachment XIII, “Schedule of Regulations – Aquifer Recharge Area” and shall continue to do so.

18. SEQR Full EAF – Defer to legal counsel.

We have no engineering objection to the project continuing with review.

- Thomas Eldridge: There’s nothing in your comments or whoever from the county that you feel this needs to be held up?
- Alex Urda: No, not necessarily. Flood compliance piece is just trying to keep debris out of a fence.
- Torrey Clark: Most of the stuff I heard was just conditional-type stuff anyways.
- Alex Urda: I need to finalize SWPPP review with them but without the 1 in 10 100 years in that it’s a whole different story because of what they have to achieve over there. I combined it all as one because that thumb drive that came through, was like 120 mega, it applied to both packages. I reviewed mine as if it was one package just so you know.
- Brian Donnelly: Mr. Stiles, do you have any comments right now?
- Gavin Stiles: I can’t go down the engineering road like Alex can but I know that by code that thing needs a big fence all the way around it and I’d be curious to hear about any kind of breakaway technology because that thing will be like a fishnet and hang on to everything that comes through there. Whatever technology is out there...
- Alex Urda: Generally the floatables are getting stuck in the fence at some level and water is passing through as some other level and everything drops with it. At least that’s how I’ve typically explained on my projects.
- Torrey Clark: We’ve built in a floodplain prior to this so we have experience in that so I don’t know personally but there may be some sort of technology for breakaway fencing. I’m sure we have a process.
- Gavin Stiles: Something that will cut loose under so much pressure.
- Alex Urda: I just don’t know what site well enough.
- Nathan VanWhy: The county did recommend denial of the project right now until the impacts and mitigation identified in the 239 review are adequately addressed. That’s a fairly significant statement from the county that was a nine-page response with at least four pages of what appears to be pretty substantive things, if you haven’t seen it yet. Basically what the county is saying is hold off at the very least if you don’t deny it and then the chairman before the meeting started asked if there’s a public hearing requirement. Under the renewable energy law the Planning Board by majority vote can choose to schedule a public hearing on any solar projects so you could have a public hearing to the extent that you think it’s needed or appropriate. There’s supposed to be a deposit of a \$15,000 escrow with the town to cover consultants and professionals, services and advice to the Planning Board. If you have

anything that you feel should be further explored whether it's archaeological or as Gavin mentioned perhaps the impacts on the fences and the flooding and concerns of those types of things if you want an independent person to the extent that Alex can't cover. You have the ability to retain those professionals and ask them to review the materials that have been submitted and give their opinion. You have some things you could choose to do or not do but certainly at least based on the 239 comments I think the applicant probably needs to update their plans to really identify everything that was mentioned in those things as well as Alex's comments.

Torrey Clark: We know this is a fluid process and I go into every meeting when I present, I almost can guarantee you that this is not going to be the final site plan. It never is so absolutely. Is that something I can contact the county for? Can you forward that to me?

Nathan VanWhy: Gavin and Kari can.

Torrey Clark: I think at this point it would be a moot point to even, I can discuss this if you would like but it's going to change. I don't want to waste anybody's time.

Alex Urda: You can start tackling my list also. Mine will be minor.

Torrey Clark: Absolutely.

Thomas Eldridge: How about discussing a public hearing? Do we want to go that route?

Brian Donnelly: I think there are people that are concerned about the project.

Thomas Eldridge: There are people that are definitely concerned. I think we should hear them out.

Jamie Szenher: Schedule it for next month?

Brian Donnelly: I think we should go ahead and schedule it for next month,

Torrey Clark: Last time I was here to do the visual with you guys and I addressed some questions. It wasn't officially a public hearing.

Brian Donnelly: Does someone want to make a motion to have a public hearing next meeting on this issue?

Jamie Szenher: I'll make the motion to have a public hearing at the next meeting.

Maura Cooley: I'll second the motion.

Adam Donahue: Mr. Boland, Alternate Board Member Voted: Aye
Ms. Cooley, Board Member Voted: Aye
Mr. Szenher, Board Member Voted: Aye
Mr. Eldridge, Vice Chairperson Voted: Aye
Mr. Donnelly, Chairperson Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes—5 Nays—0

Thomas Eldridge: I just want to point out for those present that it's going to be posted on the website and in the newspaper, nowhere else you can find it so if you don't hear about it, that's why.

Jamie Szenher: And in the lobby.

Nathan VanWhy: The only other thing I can think of that the Planning Board might want to consider is do you want to retain any other professionals or consultants to provide advice on any part of this project? Besides me and Alex. You can always at any point in the process say oh we do want to hire somebody now. I'm just asking because if you know that you want something now let's try to get it.

Thomas Eldridge: At the end of the day it is an approved use but if we hear people out it looks good.

Brian Donnelly: It doesn't hurt to have other professionals.

Thomas Eldridge: What other professionals would you have?

Nathan VanWhy: If there was some endangered animal or flood specialist, the Chenango River is an aesthetic resource and so if you had any particular concerns about that you might reach out to basically true environmental specialists.

Thomas Eldridge: What about this email we got about the eagles?

Nathan VanWhy: You might want to reach out to a bird expert, an avian person. I know that's routine for wind farms where there's a concern about impacts on birds. If you feel that you don't need to you don't have to. I'm just bringing it up because if you want to talk about it you can make a decision to.

Brian Donnelly: So we need to make a motion?

Nathan VanWhy: If you don't want to bring on other professionals you don't have to make a motion for that. It's a nonaction.

Brian Donnelly: But we can make a motion if we do decide to have something.

Nathan VanWhy: If you decide later to bring somebody in you can make a motion to hire somebody.

Brian Donnelly: So we should make a motion now...

Nathan VanWhy: You don't have to make a motion for it because the law says you have the ability to bring in professionals.

Brian Donnelly: Just for our knowledge we can call in some additional help if we need to.

Torrey Clark: You guys already have that check for the escrow.

Nathan VanWhy: Ok, fantastic.

Thomas Eldridge: I will recuse myself.

Brian Donnelly: We do have one more item on the agenda and that's Michael Lumsden, 965 Brotzman Road, application for subdivision review for Lumsden Hill Road, a private road that runs between Brotzman Road and NYS-11. Mr. Urda?

Alex Urda: This is a review for the referenced application for review for "Lumsden Hill Road", a private road that runs between Brotzman Road and NYS Route 11 in an Agricultural Zone. The application package included: Planning Board Application and permissions, Applicant's Letter, Short EAF, Application for Private Road, Chenango Fire Company Letter, Dead Plot Plan, OPRHP CRIS Mapper (online historic and archaeo review)
We offer the following comments:

1. The applicant's 'Application for Private Road' is signed by the two adjoining property owners who will utilize the road. Please note that both of these parcels (Watkins #066.02-1-4.122 and Eldridge #066.02-1-43.2) currently both have access easements for ingress/egress from their respective parcels to traverse 965 Brotzman Road (#066.02-1-43.1) to Brotzman Road.
2. The proposed road and parcels are all existing with the exception of finalizing the road connection at NY Route 11 pending NYSDOT review. There is no current subdivision of lands proposed. See 239 comments below.
3. The private road is specifically the 5000 +/- feet of roadway from NY Route 11 to Brotzman Road and does not include the 'loop' driveway/private access road that is north of it (adjacent to Watkins and Blackman parcels).
4. Deed Plot Plan
 - a. Please extend the Deed Plot Plan to the west to show the full road and tie-in to NY Route 11.
 - b. Please denote the 'loop' access road as 'private drive', or similar wording.
 - c. It is recommended that the Deed Plot Plan be finalized by a Professional Land Surveyor and filed with Broome County.
 - d. This will confirm the discrepancy between BCGIS aerial map indicating the road traverses 280 feet of the Eldridge parcel versus the Deed Plot Plan showing it north of the Eldridge property.
 - e. It is recommended to have the use terms included with the Deed Plot Plan, or with the owner's easements. I did not find any terms relative to maintenance responsibility (gravel upkeep, plowing, etc.) for future owners to understand.
5. The Town Code does not contain a road construction specification for private roads.
 - a. The Highway Superintendent and Fire Department have both indicated the adequacy of the road condition for access/emergency access.
6. The road is complete with the exception of finalizing the NY Route 11 access, and no subdivision work, or anticipated future site work. The small area of site disturbance at NY Route 11 is <1.0 acre and does not require a SWPPP or SPDES permit.
7. Project is subject to 239 review within 500 feet of state/county road and NYS Agricultural District. Comments were received.
 - a. NYSDOT will require that the connection to NY Route 11 be done to comply with NYSDOT standards within a Highway Work Permit.
 - b. NYSDOT references waiving the above requirement if the road utilizes the connection to East Hill Rd. via SSR Powersports instead, however it is my understand the intent is to connect to NY Route 11.
 - c. There is a NYS Agricultural District on 946 Brotzman Road (3 acres) within 500 feet of the Brotzman Road connection. There does not appear to be any active farming operations on these acres. Applicant to confirm. No Agricultural Data Statemen requested if no active farm.
8. What Street Signage is proposed?
9. Street Lighting?
10. 911 Numbering? Will the 911 system renumber/change the street addresses for the Watkins and Eldridge homes?

11. SEQR Short EAF

- a. 12.b applicant provide CRIS mapping indicating no archaeological buffer area over the roadway. Road is existing and already disturbed.
- b. Applicant should sign SEQR form prior to review.
- c. Defer to legal counsel regarding Type of action.

- Brian Donnelly: Mr. Stiles, do you have any comments?
- Gavin Stiles: If you guys think it's a good idea that it's a road, I'd be happy to give them a permit to build that pole barn. That road stuff is above my pay grade.
- Brian Donnelly: Does anybody have questions for the applicant?
- Michael Boland: It's going to become a town road?
- Thomas Eldridge: So here's the backstory. I got variances to build my garage. I went to get a permit and Gavin couldn't give me a permit because I have no road frontage and he could not give me a permit based on that. We had already filed all the necessary paperwork with the county to have it deemed a private road because the Town of Chenango had no requirements for a private road; no rules, no requirements, no nothing. It reverted to state law. The state has a list of things you're supposed to do. The town told me to hang on while they made sure it was okay. The Town Board then accepted the state's rules which are that you have to, it has to be on a map filed with the county, has to specify width, length, direction, name. It has to meet ingress and egress of fire equipment. The fire company drove a fire truck to my house and took a picture to prove it. All of this stuff just to prove that it is an accessible road. The Town Board said that they accepted the state's requirements. We've already met all the requirements, sent everything to the county way before all of this. We meet all of the requirements. I think the hold up that most of the people have been looking at, Alex included, is when you go to GIS and it's not on there at all. If you go to Google Maps, the paper maps I gave you, it's a road. It's been there over ten years. Yes, the portion at Rte 11 has grown in. It was left that way to deter thieves, which still doesn't deter thieves down there. People drive through there with Jeeps and stuff and try to sneak in all the time into the PowerSports dealership. It is planned to be opened up to Rte 11 at some point when we establish a gate system. We currently just use Brotzman Road, but the road is not a 4-wheeler trail. It's a road that I drive tractor trailers up multiple times for my old job. I drove cranes to my house. It's a real road. It exists.
- Michael Boland: But it's going to stay private.
- Thomas Eldridge: It's going to stay private, 100%.
- Nathan VanWhy: So Mike, to help clarify that, private road, the town does not maintain it, the town won't plow it. It's going to be all the responsibility of the folks who use that road.
- Michael Boland: Then why are you here?
- Michael Lumsden: We had to because of the structure of the town, Mr. Boland, because of New York State law. It had to go to the Town Board to clarify it, they gave the Town Planning Board the authority. We're making sure that the town does the process exactly correct.
- Thomas Eldridge: You guys basically just have to deem whether you accept my private road that the county has already accepted.

Alex Urda: If it was really wonky we could reject it.

Michael Boland: I know but it's his. If he can't get home tonight I'd feel bad for him but more than that I don't know what to tell him.

Alex Urda: If it was just straight wagon wheel tracks through the woods in mud we'd have a different discussion.

Michael Lumsden: Then we wouldn't meet the state requirement.

Thomas Eldridge: We meet the state requirement. It's a formality.

Alex Urda: Some towns actually have a private road specification. We just do not.

Michael Lumsden: Many times, Mr. Boland, in the past the town has done this where there's two or three. There's multiple properties in the Town of Chenango that are on private drives that were not officially done properly. We're trying to do it properly.

Jamie Szenher: Mr. Eldridge, you access that road and Watkins accesses it? That's the two properties that use or it Mr. Lumsden?

Michael Lumsden: I use it to go over to my other property that is also on the Chenango-Barker border. It's the private part of it.

Jamie Szenher: And the fire trucks came through, they can go from one end to the other?

Michael Lumsden: Absolutely. And they use our ponds to fill up their tanks.

Nathan VanWhy: We do need to do SEQR just to address that. It's not a complicated SEQR review process, but it's an unlisted action because I'm not seeing in the Type II list anything that jumps out at me as applying for it. There was a short EAF submitted as part of the application. Alex did note it just needs to be signed so Tom or Mike if you can handle that after the meeting I think that would be fine to move forward otherwise. We need to review part to of the SEAF form. In order to go through those 11 questions that Nadine actually also ran through. . Number one-- Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Board: No.

Nv: Number 2—Will the proposed action result in a change in the use or intensity of use of land?

Board: No.

Nathan VanWhy: Number 3—Will the proposed action impair the character or quality of the existing community?

Board: No.

Nathan VanWhy: Number 4—Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Board: Does not apply.

Nathan VanWhy: Number 5 – Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway?

Board: No.

Nathan VanWhy: Number 6 – Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Board: No.

Nathan VanWhy: Number 7 – Will the proposed action impact existing:

- a. public/private water supplies?
- b. public/private wastewater treatment utilities?

Board: No to both.

Nathan VanWhy: Number 8 – Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?

Board: No.

Nathan VanWhy: Number 9 – Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora, and fauna)?

Board: No.

Nathan VanWhy: Number 10 – Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?

Board: No.

Nathan VanWhy: Number 11 – Will the proposed action create a hazard to environmental resources or human health?

Board: No.

Nathan VanWhy: Having the board answer ‘no or small impact’ to each of the 11 questions it’s appropriate to move onto part three. Part three is the final determination of significance. I think based on the answers you’ve provided, a motion to declare this an uncoordinated review and to find a negative declaration of environmental significance for this action would be appropriate.

Jamie Szenher: I’ll make a motion for a negative declaration.

Michael Boland: I’ll second.

Adam Donahue: Mr. Boland, Alternate Board Member Voted: Aye
 Ms. Cooley, Board Member Voted: Aye
 Mr. Szenher, Board Member Voted: Aye
 Mr. Eldridge, Vice Chairperson Voted: Recused
 Mr. Donnelly, Chairperson Voted: Aye

The motion was thereupon declared adopted by a roll call of:
 Ayes—4 Nays—0 Recusals—1 (Eldridge)

Nathan VanWhy: I think the motion otherwise would be to approve the private road application and then I think from there it’s a question of what conditions if any do you want or do you think are necessary to place on it? I know Alex asked me earlier today if the plat that gets finalized

and filed with the county needs to be done by and certified by a surveyor or not. I know Tom put the drawing together. I'm assuming you're not a surveyor.

- Thomas Eldridge: I'm not. It's based off when the old power lines were surveyed after NYSEG bought the power lines. So it's based off of NYSEG's survey of the road. It is extremely accurate on that.
- Michael Lumsden: But we will also do the requirements of the county, what the county asks us to provide we will provide.
- Alex Urda: I wanted Nate to confirm, I don't know officially on the private roads, what the level of details at the county, reading 280-a and the other things it's a plat.
- Nathan VanWhy: New York State Town Law references a plat, approved by the Planning Board.
- Alex Urda: Highway Law.
- Nathan VanWhy: I know Town Law 280-a references a plat, and to the extent that it's a plat I think you could approve the private road tonight subject to acceptance by the county of the actual map submitted to the county for filing.
- Michael Lumsden: Because the town doesn't have a standard for the road our Highway Superintendent does not have standing.
- Brian Donnelly: So you go by the county rules.
- Michael Lumsden: Correct.
- Nathan VanWhy: I'm trying to clarify further so Town Law 280-a says it has to be a plat approved by the Planning Board. There are no standards set out in your Town Code for what the plat has to contain so therefore it's most likely the county will accept for filing. It does need the Planning Board chair's signature on it and so you will have to sign it but I'm assuming the county will accept for filing whatever it is that you end up signing, and so I think a motion to approve the private road application conditioned on compliance with any county requirements for filing of a plat would be the motion.
- Maura Cooley: I'll make the motion.
- Jamie Szenher: I'll second.
- Adam Donahue: Mr. Boland, Alternate Board Member Voted: Aye
Ms. Cooley, Board Member Voted: Aye
Mr. Szenher, Board Member Voted: Aye
Mr. Eldridge, Vice Chairperson Voted: Recused
Mr. Donnelly, Chairperson Voted: Aye
- The motion was thereupon declared adopted by a roll call of:
Ayes—4 Nays—0 Recusals—1 (Eldridge)
- Brian Donnelly: You have a private road providing that you get the county acceptance and my signature. Any other business?
- Thomas Eldridge: One thing. In filing all of this, our last meeting was 5/13. I went on the 15th, two days later, and filed the paperwork to be at this meeting and they told me that because it was after May

1st I had to wait until July. What is our cutoff as a board for people to get on the next meeting? I was literally two days after the meeting.

Gavin Stiles: Was it me?

Thomas Eldridge: No, it was Kari.

Michael Boland: It's the first of the month prior.

Thomas Eldridge: Somebody needs to explain that to her because she told me I'd have to wait until July because it was after May 1st I couldn't be on the June thing.

Gavin Stiles: You'd have to look at our calendar.

Torrey Clark: I've been told that multiple times, it's the first of the month prior.

Thomas Eldridge: I think we should adjust that because if somebody comes in this meeting and they have to submit paperwork to be at the next meeting, technically they've already missed the cutoff and they need to be two months away.

Nathan VanWhy: The reason to have a timeline like that is to build an adequate 239 review time, it's the 239 review period.

Gavin Stiles: The county will be the first one to tell you we have a month to do that.

Nathan VanWhy: Because your meeting is not on like the 5th of every month, we have a moving date and so by saying the first, because the meeting is the second Monday of every month, the earliest your meeting might be is the 8th of a given month. If you allow somebody to apply after your current meeting, it's likely the 30-day period hasn't expired until after your next meeting and so by having the cutoff date before your meeting and on a set date like the first of the month, it makes it easier from an administrative standpoint and guarantees that it gives enough time to actually get the 239 out. It's not great.

Thomas Eldridge: It makes sense, but it's a process.

Gavin Stiles: You can grind on them and sometimes they'll do a 239 within 10 days but they have a month and they're the first ones to let you know that they have a month so you can't jam anybody up.

Nathan VanWhy: The nice thing about Broome County, they do push out their 239s fairly quickly. Other counties like Tioga County, their county Planning meets once a month.

Michael Boland: It seems like at least two months to get a 239.

Alex Urda: I have municipalities where my deadline is 60 days prior, unless you're already in progress. If you've already attended a meeting, like your comment that we've asked for things tonight, there's a rolling, then it comes down here in house. Like, if there's a substantial change, that's why I asked Nate, if they use a shed do they go back through 30 days? Generally we wouldn't make them do that whereas the Town of Union would put me back through if I move a thing a couple inches. Vestal switched to 45 days prior about 15 years ago. We shoot for 32-33 days so that gives Kari a day to file and gives the county straight up 30 days but it's too streamlined in some cases. We've had instances where we've had to table if we don't have the 239.

Nathan VanWhy: Mr. Chairman before you adjourn the meeting, I'm not sure if the Town Board has received the recommendation on the commercial storage. I know it was discussed a meeting or two ago. Did that ever end up getting directly sent to the Town Board as a communication?

Brian Donnelly: That I don't know. I don't know once we decide on something, is that the ordinance office or who is it?

Nathan VanWhy: Two meetings ago. The meeting minutes have been approved. I think if you could forward the meeting minutes to the Town Board I think that would suffice to move that along. The Town Board hadn't actually received the formal communication that they were told by me that they actually needed to get it so that would be helpful.

Gavin Stiles: If she's got them done. If Kari has done the minutes they'll be right online you can check them out or we can throw them in your direction if you want.

Brian Donnelly: I don't know what the pathway is between when we make a decision and when we do something...

Gavin Stiles: I don't know how it would be conveyed.

Nathan VanWhy: The Town hasn't had this happen before so however it gets done, it just needs to get done. It could be you as the chairperson...

Gavin Stiles: Brian if you want to say, have Kari send the minutes we can do it.

Alex Urda: Diane usually wrote a letter and either she signed it or signed it with your name in years past. Diane would usually coordinate it.

Gavin Stiles: I don't know why we would ever automatically send minutes anywhere unless you asked us to do it:

Nathan VanWhy: Gavin, Tom had a great idea. They approved the minutes tonight, just have Kari put a one-line letter that says 'Dear Town Board, Attached are the minutes of our meeting at which we discussed recommendations on commercial storage zoning uses'.

Gavin Stiles: That can happen tomorrow, that's easy.

Brian Donnelly: Anything else?

Thomas Eldridge: Motion to adjourn.

Jamie Szenher: Second.

Respectfully submitted,



Kari Strabo